

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELMO SHROPSHIRE, INDIVIDUALLY AND AS A
MEMBER OF "ELMO & PATSY"; On Behalf Of
Himself And All Others Similarly Situated

Plaintiff,
-against-

SONY MUSIC ENTERTAINMENT, a Delaware
General Partnership,

Defendant.

06 Civ. 3252 (GBD) (KNF)

ECF CASE

"THE YOUNGBLOODS" (Perry Miller p/k/a Jesse
Colin Young; Lowell Levinger; Jerry Corbitt; Mina
Bauer, the widow of Joe Bauer; and manager Stuart
Kutchins), On Behalf Of Itself And All Others Similarly
Situated,

Plaintiff,
vs.

BMG MUSIC,

Defendant.

07 Civ. 2394 (GBD) (KNF)

ECF CASE

**REPLY MEMORANDUM IN SUPPORT OF MOTIONS FOR (I) FINAL APPROVAL OF
CLASS ACTION SETTLEMENTS AND (II) ATTORNEYS' FEES AND EXPENSES
AND SERVICE AWARDS TO CLASS REPRESENTATIVE PLAINTIFFS**

NO OBJECTIONS HAVE BEEN FILED

On June 14, 2012, Plaintiffs¹ and Class Counsel² filed their papers in support of their motions for final approvals of the settlements set forth in each Action's respective Amended Stipulation and Agreement of Settlement (collectively, the "Amended Stipulations") [SME Action Docket No. 100; BMG Action Docket No. 127] and their motions for (1) an award of award of attorneys' fees and expenses and (2) compensation to the two Class Representative Plaintiffs for their services in the prosecution of these Actions [SME Action Docket No. 101; BMG Action Docket No. 128].

The Settlements received preliminary approval by this Court [SME Action Docket Nos. 95 and 98 at ¶ 1; BMG Action Docket Nos. 122 and 125 at ¶ 1] and notice of the Settlements has been provided to the Classes in the manner set forth therein [SME Action Docket No. 103; BMG Action Docket No. 130].

The notice to the Classes advised all interested parties that any objections to the Settlements, including to Class Counsel's applications for an award of attorneys' fees and expenses and service awards for Class Representative Plaintiffs, were required to be filed with the Court and served on certain counsel for the Plaintiffs and for the Defendants by no later than

¹ "Plaintiffs" refers to Plaintiff Elmo Shropshire in *Shropshire v. Sony Music Entertainment*, 06 Civ. 3252 (GBD) (KNF) (the "SME Action") and Plaintiff The Youngbloods in *Youngbloods v. BMG Music*, 07 Civ. 2394 (GBD) (KNF) (the "BMG Action"). Plaintiffs were appointed by the Court as Class Representatives. *See* SME Action Docket Nos. 95 and 98 at ¶ 4; BMG Action Docket Nos. 122 and 125 at ¶ 4.

² "Class Counsel" refers to the following firms appointed by the Court as counsel for the Classes: Caplan & Ross LLP, Milberg LLP, and Probstein, Weiner, and Butler in the SME Action and Caplan & Ross LLP, Milberg LLP, and Law Offices of Thomas A. Cohen in the BMG Action. *See* SME Action Docket Nos. 95 and 98 at ¶ 4; BMG Action Docket Nos. 122 and 125 at ¶ 4. Prior to the formation of Caplan & Ross LLP, Brian D. Caplan was a partner at Labaton Sucharow LLP. Labaton Sucharow acted as class counsel in these actions through May 2009.

July 5, 2012 [SME Action Docket Nos. 95 and 98 at ¶ 19; BMG Action Docket Nos. 122 and 125 at ¶ 19].

The July 5, 2012 objection deadline has now passed. As of the date of this reply memorandum, to Plaintiffs' Counsel's knowledge, there have been no objections (timely filed or otherwise) to any aspect of the proposed Settlements or to the requested attorneys' fees and expenses or service awards for Class Representative Plaintiffs.

Plaintiffs' Counsel were to submit their papers in response to any objections in a supplemental filing no later than September 20, 2012, two weeks before the October 4, 2012 Settlement Hearings. SME Action Docket Nos. 95 and 98 at ¶¶ 19, 20; BMG Action Docket Nos. 122 and 125 at ¶¶ 19, 20.

Plaintiffs' Counsel are pleased to report that there are no objections to respond to.

CONCLUSION

Based on the foregoing, and on Plaintiffs' June 14 filing, Plaintiffs respectfully request that the Court finally approve the Settlements and grant Class Counsel's requests for (1) an award of attorneys' fees and expenses in the amounts of \$1,625,625 in the *SME Action* and \$924,375 in the *BMG Action* and (2) service awards in the amount of \$15,000 for each of the two Class Representative Plaintiffs.

Dated: New York, New York
September 20, 2012

Respectfully submitted,

/s/ Brian D. Caplan

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